



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2010 REGULAR SESSION

HOUSE BILL NO. 35

WEDNESDAY, FEBRUARY 3, 2010

The following bill was reported to the Senate from the House and ordered to be printed.

RECEIVED AND FILED
DATE March 30, 2010
4:01pm

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Allen

AN ACT relating to crimes and punishments.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 ➔ Section 1. KRS 532.356 is amended to read as follows:

2 (1) Upon a person's conviction and sentencing for any nonstatus juvenile offense,
3 moving traffic violation, criminal violation, misdemeanor, or Class D felony
4 offense, and, for the purposes of paragraph (b) of this subsection, any Class C
5 felony offense listed in subsection (3) of this section, the court shall impose the
6 following sanctions in addition to any imprisonment, fine, court cost, or community
7 service:

8 (a) Reimbursement to the state or local government for the person's incarceration,
9 determined by the per person, per diem, expenses of each prisoner
10 incarcerated by the respective local government, times the number of days he
11 has spent or shall spend in confinement, plus any medical services received by
12 the prisoner, less copayments paid by the prisoner. The convicted person's
13 ability to pay all or part of the reimbursement shall be considered by the
14 sentencing court in imposing the sanction; and

15 (b) Restitution to the crime victim as set out in KRS 439.563, 532.032, and
16 532.033.

17 (2) In addition to any other penalty allowed by law, a court may declare the defendant
18 ineligible to operate a motor vehicle for a period of up to sixty (60) days where the
19 defendant is being sentenced for a conviction of KRS 514.030 involving the theft of
20 gasoline or special fuels from a retail establishment and the defendant has been
21 previously convicted of KRS 514.030 for a theft of gasoline or special fuels from a
22 retail establishment. A retail establishment may post a sign at the location where the
23 fuel is dispensed apprising the public of the sanctions available under this
24 subsection.

25 (3) (a) In addition to any other penalty allowed by law, a court ~~may~~shall declare the

1 defendant ineligible to operate a motor vehicle for the period of time that any
2 amount of restitution ordered under this section remains unpaid, where the
3 restitution is imposed as the result of the commission of the following
4 offenses:

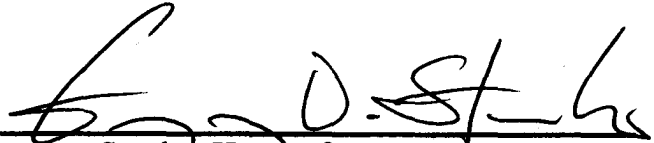
- 5 1. KRS 434.650;
- 6 2. KRS 434.655;
- 7 3. KRS 434.660;
- 8 4. KRS 434.670;
- 9 5. KRS 434.690;
- 10 6. KRS 514.030;
- 11 7. KRS 514.040;
- 12 8. KRS 514.050;
- 13 9. KRS 514.060;
- 14 10. KRS 514.070;
- 15 11. KRS 514.080;
- 16 12. KRS 514.090;
- 17 13. KRS 514.110;
- 18 14. KRS 514.120; or
- 19 15. KRS 506.120.

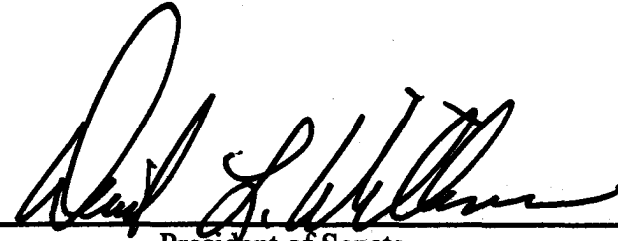
- 20 (b) Upon motion by the defendant with proper notice to the office of the attorney
21 who represented the Commonwealth at sentencing, the court may authorize
22 the defendant to obtain the hardship license authorized under KRS Chapter
23 189A. The defendant shall be subject to the same operating restrictions and
24 penalties for noncompliance as are set out for a hardship license in that
25 chapter. The court may waive compliance with provisions of KRS Chapter
26 189A relating to alcohol treatment, waiting periods, and ignition interlock
27 installation for the purpose of authorizing issuance of a hardship license under

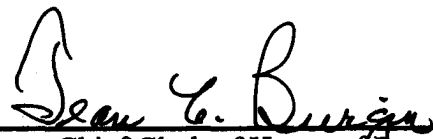
1 this section.

2 (4) Sanctions imposed by the sentencing court shall become a judgment of the court.

3 Reimbursement of incarceration costs shall be paid by the defendant directly to the
4 jailer in the amount specified by written order of the court. Incarceration costs owed
5 to the Department of Corrections shall be paid through the circuit clerk.


Speaker-House of Representatives


President of Senate

Attest: 
Chief Clerk of House of Representatives

Approved 
Governor

Date March 30, 2010